

**REMARKS**

As a preliminary matter, Fig. 11 is objected to due to a misspelling in the word "determine" in step d3. Applicants attach hereto a proposed correction and a replacement sheet of Figure 11.

Claims 1 and 3-22 are pending in the application. Claims 1, 2, 6, 7, 8, 10, 11 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Schwartz (U.S. Patent No. 6,075,888). Claims 16, 17, 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz as applied to claims 1 and 11 above, in combination with Weichmann *et al.* (U.S. Patent No. 6,580,524 B1). Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz as applied to claims 1 and 6 above, in combination with Vigneau *et al.* (U.S. Patent No. 6,008,907). Claims 3-5, 9, 12-14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants submit the following in traversal of the prior art rejections.

Claim 1 is patentable because the Examiner still has not pointed out how the reference discloses or suggests a color association definition, in which distribution of coordinate points is relatively rough and a first profile, in which distribution of coordinate points is relatively close as compared with the color association definition. In the Office Action, the Examiner merely essentially states that "the profile as represented by the curve/line is much finer than the +’s representing the color value targets," and points out Figs. 5(a), (b), and (c). While such characterization may be correct, the characterization does not provide any explanation which has

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anything to do with the relative roughness or the relative closeness of the color association definition and the first profile, respectively. Since the line is drawn to fit the +’s, it appears that a fine profile is created to match actual measurements such that the first set (+’s) defines the second set (line). By contrast, the claim describes a second profile adjusting a first. The continued mismatching of color relationships by the Examiner still renders the claims patentable.

In addition, claim 1 describes a second color space as independent of an output device. The measured space and simulated space appear to each correspond to device dependent data in the cited art.

For reasons similar to those submitted for claim 1, claims 6 and 11 are patentable.

Claims 7, 8, 10, and 15 which depend from claim 1, 6, or 11, are patentable for at least the reasons submitted for their respective base claims.

The present invention is not anticipated by Schwaratz. According to the present invention, as apparent from the above-amended independent claims, a "second color data" in a color association definition is the data obtained by measuring a plurality of color patches constituting the color chart outputted from the output device. In other words, the "second color data" according to claims of the present invention is a measured value.

The Examiner asserts that the first color data of the present invention corresponds to the "measured value" of Schwartz and the second color data of the present invention corresponds to the "expected value (simulation value)" of Schwartz. However, as described above, the second color data of the present invention is the "measured value." Thus, the claimed invention and Schwartz are quite different.

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Claims 16, 17, 19-22, which depend from claims 1, 6, or 11, are patentable for at least the reasons submitted for their respective base claims and because Weichmann and Vigneau fail to make up for the deficiencies of Schwartz.

Alternatively, or in addition, claim 16 is patentable because the Examiner has not shown how Weichmann teaches, suggests, or provides motivation for wherein said profile selection step selects the first profile according to the color association definition. Rather, Weichmann merely discloses that “a color profile 5 is drawn up using one of the known color management algorithms,” without describing how the known color management algorithms suggest or motivate for the color association definition.

Moreover, the combination of Schwartz and Weichmann still fails to make claims 16, 17, 19, and 20 obvious because of the inconsistencies that exist in the Examiner’s characterization of Schwartz. In Schwartz, the measurement of the patches and the comparison of the measured patch values with their expected values (col. 5, lines 10-11) *necessarily requires* that the base profile (col. 4, line 21-23) be *first selected* to generate the patches. In contrast, claim 16 recites that wherein said profile selection step selects the first profile according to the color association definition. In other words, the references cannot possibly compare the measured patch values *and then* choose the base output profile. Such an order would be impossible given that the base output profile is necessary to output the patches in the first place.

Claims 21 and 22 are patentable because in the section of Vigneau cited by the Examiner, there is no teaching, suggestion, or motivation for the specific combination of the predetermined first color space being defined by four colors of cyan, magenta, yellow, and black, and second

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color space being defined by chromaticity values of one of RGB and CIELAB, as recited in the claims. In addition, the Examiner's stated motivation for combining Schwartz with Vigneau is impermissible hindsight since the Examiner provides no motivation other than what is essentially recited in the claims ("to tune Schwartz's invention towards a CMYK and CIELAB system." Page 12, Final Office Action). In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

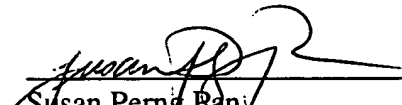
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**23373**

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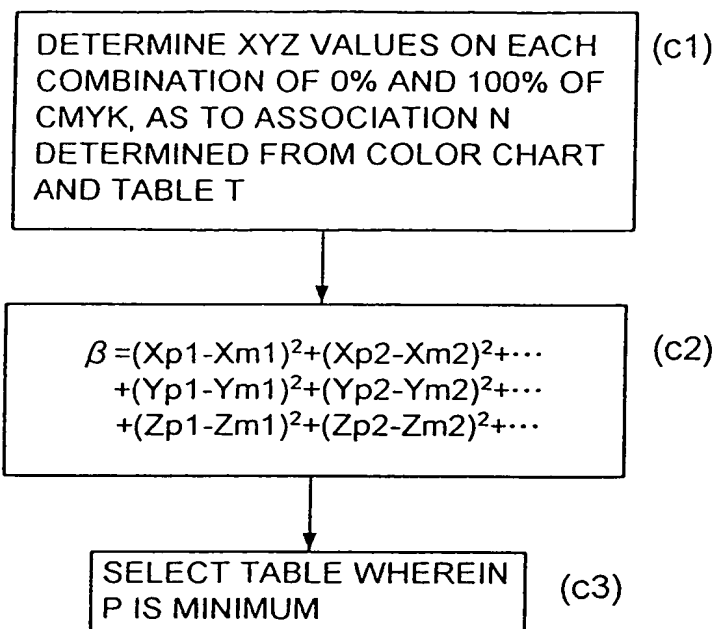
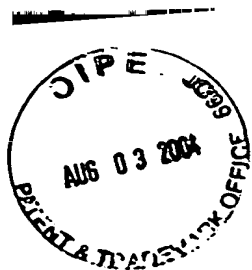


Fig. 10

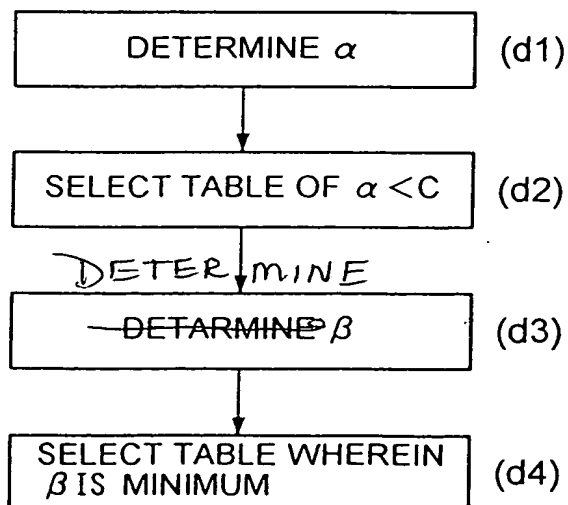


Fig. 11